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December 23, 2014

Via ECF

Hon. George B. Daniels
United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Sokolow v. Palestine Liberation Organization et al.*
04-CV-397(GBD)(RLE)

Dear Judge Daniels:

At the December 16 conference, the Court asked Defendants to identify the fact witnesses they intend to call and to summarize their anticipated testimony. Below, Defendants list the witnesses identified in the proposed Joint Pre-Trial Order Witness List, with a summary of their anticipated testimony. Defendants no longer intend to call nine of the witnesses in light of the Court's evidentiary rulings to date: Hussein al-Araj, Mohammad Jibrini, Mohammad Edwan, Sabri Tmaize, Ghaleb Nobani, Maher Dweikat, Mohammed Al Ghoul, Amneh Reehan, and Hilal Abdel-Haq. The witnesses Defendants currently intend to call are listed below in the order they appear in the proposed Joint Pre-Trial Order Witness list.

1. Salam Fayyad. Salam Fayyad is the former Prime Minister and Finance Minister of the Palestinian Authority and also former head of the Economic Affairs Department of the PLO. He will provide an overview of the creation and function of the Palestinian Authority, the role of the Palestinian Authority's security forces, and the absence of terrorism financing during the relevant period.

2. Brigadier General Khaled Abu Al-Yaman. Brigadier General Abu al-Yaman is Head of the Operations and Information Department of the PA's General Intelligence Service ("GIS"). He will testify about certain GIS files, specifically Plaintiffs' Trial Exhibit ("PTE") 129-169, 1028-1041, and 1060. Brigadier General Abu Al-Yaman also will testify as to the methods the GIS used to gather the information in those files and he will explain the meaning of various words or phrases used throughout those documents. In particular, Brigadier General Abu Al-



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Yaman will testify that neither he nor any other authorized official of the GIS has confirmed, accepted or adopted as true any of the information contained in the GIS files, including the allegations or charges made by the State of Israel against the individual in question. In addition, Brigadier General Abu Al-Yaman will testify that the PA did not release from its custody Mohammad Hashaika and Nasir Shawish, two of the men alleged to have been associated with the bombing that caused the injuries alleged by the Bauer Plaintiffs. Brigadier General Abu Al-Yaman will testify that Hashaika and Shawish escaped from PA custody during the course of an Israeli military incursion on the compound where prisoners were being held.

3. Suleiman al-Deek. Mr. al-Deek is director of the Ramallah Governorate office of the Institute for the Care of Martyrs' Families and the Injured ("Martyrs' Institute"). Mr. al-Deek is also the author of certain of the documents Plaintiffs have designated as PTE 17 and 317A. Mr. al-Deek will testify about the history and function of the Martyrs' Institute and he will explain in particular that the function of the Martyrs' Institute is to provide public assistance to the families of persons who were killed or permanently disabled in connection with, or as a result of, the occupation of Palestine by the State of Israel. Mr. al-Deek will also testify that he was the author of portions of PTE 17 and 317A and that, in documenting information in those files, he did not have personal knowledge regarding the circumstances of the individual's death. In addition, he will testify that background information reflected in PTE 17 and 317A, as well as the exact wording, came directly from family members of the deceased or from media reports.

4. Ms. Fatmah al Mashni. Ms. al Mashni is a social worker at the Bethlehem Governorate office of the Martyrs' Institute. She is the author of certain of the documents Plaintiffs have designated as PTE 22, 28 and 29. She will testify that, in documenting information in those files, she did not have personal knowledge regarding the circumstances of the individual's death. In addition, she will testify that background information reflected in those files, as well as the exact wording, came directly from family members of the deceased or from media reports.

5. Ms. Amani Habibeh. Ms. Habibeh is a social worker at the Nablus Governorate office of the Martyrs' Institute. Ms. Habibeh is the author of certain of the documents Plaintiffs have designated as PTE 16, 19, 21, 36A, 60, 23, 24, 27 and 93. Ms. Habibeh will testify that, in documenting information in those files, she did not have personal knowledge regarding the circumstances of any of the individuals' deaths. In addition, she will testify that background information reflected in the files, as well as the exact wording, came directly from family members of the deceased or from media reports.



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6. Major General Radwan El Hilo. Major General Radwan El Hilo is head of the Central Financial Directorate ("CFD"), the entity within the PA security services which is responsible for the finances of all security services, including individual salary payments. Major General El Hilo will testify about the payment system in the security forces, as reflected in payment records marked as PTE 2-16, 36B, 36C, 36D, 62, 111, 125, 891-892, and 895. He also will testify about the employment records of some of the alleged perpetrators. In addition, Major General El Hilo will testify that promotions of prisoners and payments to their families are in the nature of public assistance, are not made in support of terrorist activity, and failure to provide benefits to the families would make them susceptible to recruitment by extremist organizations.

7. Jawad Amawi. Mr. Amawi is the Director of the Legal Unit of the "Commission of Detainees and Ex-Detainees Affairs" ("Commission") (formerly, the Ministry of Detainee and Ex-Detainees Affairs). Mr. Amawi will testify about the functions of the Commission as well as the monthly payments the Commission makes to families of security detainees. Mr. Amawi will testify about files the Commission creates and maintains for each detainee and which Plaintiffs have designated as PTE 18, 26, 36C, 36E, 37-42, 50-54, 61, 63-67, 69-73, 75, 76, 83-87, 96, 117, 893, and 894. Specifically, Mr. Amawi will testify that the practice of paying and promoting prisoners and their families is in the nature of public assistance and that the payments are not made in support of terrorist activity.

8. Mazen Jadallah. Mr. Jadallah was employed by the Ministry of Finance during the time period relevant to this lawsuit. Today, Mr. Jadallah is Adviser to the Prime Minister of the Palestinian Authority, Mr. Rami Hamdallah. Mr. Jadallah will testify about PA financial policies as well as payments reflected in Plaintiffs' trial exhibits. Mr. Jadallah will testify that no payments were ever made by the PA's Ministry of Finance to an entity called the Al Aqsa Martyrs' Brigades.

9. Major General Majed Faraj. Major General Faraj is the director of the PA's General Intelligence Service. He will testify that, beginning in September 1994, all branches of the PA security services were required to work toward implementation of the PA's security obligations under Oslo. Major General Faraj will testify that as part of those obligations, the PA was responsible for preventing terrorist activity and that the PA security services took that responsibility very seriously. He will testify about counter-terrorism efforts undertaken by the PA. He also will testify that those efforts were compromised by the degradation of the security services as a result of the Second Intifada and the associated Israeli destruction of Security Services installations, including prisons and other detention facilities, and assassination of security service personnel. Major General Faraj will testify that the PA security services did not have a policy supporting attacks on Israeli civilians and, in fact, worked diligently, at personal



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risk to security force personnel, to prevent such attacks. Major General Faraj will further testify as to the methods the GIS uses to gather the information in its files and he will explain the meaning of various words or phrases used throughout those documents.

10. Hassan Abu-Libdeh. Mr. Abu-Libdeh will not be called as a live witness, but Defendants reserve the right to use his designated deposition testimony.

11. Afif Safieh. Mr. Safieh is the former PLO Ambassador to the Netherlands, the United Kingdom, the Vatican, the United States, and the Russia Federation. He will testify about the creation and development of the PLO, its structure, its relationship to the PA, Fatah and Hamas, and the PLO's function following the signing of the Oslo Accords in 1994 and the creation of the Palestinian Authority. In particular, Mr. Safieh will discuss PLO policy as it relates to terrorism following the signing of the Oslo accords.

12. Governor Jibreen Al-Bakri. Governor Al-Bakri is the Governor of the Bethlehem Governorate. Governor Al-Bakri will testify that, in 2002, when he was the head of the Operations Department of the PSS in Ramallah, he, along with several other PSS personnel, arrested Abdullah Barghouti. He will further testify that the PSS did not release Abdullah Barghouti from custody, but that Barghouti escaped from custody.

Sincerely,

A handwritten signature in black ink that reads "Mark J. Rochon" followed by a stylized flourish.

Mark J. Rochon

cc: all ECF counsel